

IN SPECIAL SESSION

MONDAY , MARCH 27 , 19 89

CITY OF FORT WAYNE, INDIANA

JOURNAL OF THE PROCEEDINGS

OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Monday EVENING March 27 , 19 89 ,  
IN Special SESSION. PRESIDENT Charles B. Redd  
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND  
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE  
FOLLOWING MEMBERS VIZ:

BRADBURY ✓ BURNS ✓ GiaQUINTA ✓  
HENRY ✓ LONG ✓ REDD ✓  
SCHMIDT ✓ STIER ✓ TALARICO ✓

ABSENT: \_\_\_\_\_

COUNCILMEMBER: \_\_\_\_\_

THE MINUTES OF THE LAST REGULAR March 14, 1989

\_\_\_\_\_ 19\_\_\_\_

SPECIAL \_\_\_\_\_ 19\_\_\_\_

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Special Session, held on Monday the 27th day of March, 1989, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 6th day of April, 1989.

S E Kennedy  
SANDRA E. KENNEDY, CITY CLERK

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL  
MEETING OF THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA TO BE HELD

*Special Meeting -*  
MONDAY, MARCH 27, 1989 - 7:00 P.M.

WE, THE UNDERSIGNED, BEING ALL OF THE MEMBERS OF THE COMMON  
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, DO HEREBY CALL A SPECIAL  
MEETING OF SAID COUNCIL TO BE HELD ON March 27, 1989.  
AT 7:00 O'CLOCK P., E.S.T., AND JOINTLY AND SEVERALLY  
WAIVE NOTICE OF THE TIME, PLACE AND PURPOSE OF SAID MEETING AND CONSENT  
THAT SAME BE HELD ON THE AFORESAID DATE FOR THE PURPOSE OF  
the introduction of ordinances and resolutions -- discussion of  
ordinances and resolutions that are pending from Committee Session  
of March 21, 1989 -- passage of ordinances and resolutions.

Samuel J. Talaris J. M. H.  
Charles B. Long Mark E. G. Smith  
Thomas H. Long [Signature]  
Charles R. Bell

DATED THIS 21st day of March 1989.

Y. E. G. [Signature]  
SANDRA E. KENNEDY, CITY CLERK  
*legals*

SEAL

NOTICE OF SPECIAL SESSION OF THE COMMON  
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

You are hereby notified that the Common Council of the City of Fort Wayne, will hold a SPECIAL SESSION ON MONDAY, MARCH 27, 1989, 7:00 P.M., COMMITTEE SESSION TO BE HELD IN THE COMMON COUNCIL CONFERENCE ROOM 128 AND REGULAR SESSION TO BE HELD IN THE COMMON COUNCIL CHAMBERS ROOM 126, ONE MAIN STREET, FORT WAYNE, INDIANA

Said Special Session shall be held for the introduction of ordinances and resolutions -- discussion of ordinances and resolutions that are pending from Committee Session of March 21, 1989 -- passage of ordinances and resolutions.

DATED: MARCH 22, 1989

---

Deputy Clerk  
Fort Wayne Common Council of  
the City of Fort Wayne,  
Indiana



THE CITY OF FORT WAYNE  
LAND USE MANAGEMENT

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

25 August 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one  
(1) ordinance concerning the vacation of dedicated right of way.

The proposed ordinance is designated as:

BILL NO. G-88-08-43

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
25th day of August 1988.

Robert Hutner  
Secretary

# Division of Community Development & Planning

## BRIEF TITLE

Alley Vacation Ordinance

## APPROVAL DEADLINE

## REASON

## DETAILS

**Specific Location and/or Address**

The N/S alleys east & west of the vacated  
Lumbard St, north of Washington Bl, & the  
E/W alley connecting them, south of the RR.

**Reason for Project**

To clear a title objection.

**Discussion (Including relationship to other Council actions)**

15 August 1988 - Public Hearing

Tom Dixon, attorney for the petitioners  
stated that this area was platted in 1915  
for 200 residential lots. He stated it has  
not been used as such. He stated the alleys  
they were requesting vacated have never been  
put in, they area the alleys take up is being  
utilitized for the salvage yard. He stated  
they discovered that they had not vacated the  
alleys as a result of a title search on the  
sale of the property.

Mel Smith questioned the reason for the  
requested vacation.

Mr. Dixon stated that the primary purpose is  
to cure the title objection.

There was no one else present who wished to  
speak in favor of or in opposition to the  
proposed vacation.

## POSITIONS

## RECOMMENDATIONS

## Sponsor

City Plan Commission

## Area Affected

City Wide

Other Areas

Applicants/  
Proponents

## Applicant(s)

Omni Source Inc

City Department

Other

## Opponents

## Groups or Individuals

Basis of Opposition

Staff  
Recommendation☒ For ☐ Against

Reason Against

Board or  
Commission  
Recommendation

By

☒ For ☐ Against☐ No Action Taken

☐ For with revisions to condition  
(See Details column for condition)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)☐ Pass ☐ Other☐ Pass (as  
amended) ☐ Hold☐ Council Sub. ☐ Do not pas

**DETAILS**

22 August 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing utility easements as needed. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

NOTE: This vacation request was held until the petitioner satisfied the conditions. Water Engineering was the last to be satisfied and the signed off on February 23, 1989.

**POLICY/ PROGRAM IMPACT**

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 5 July 1988

Projected Completion or Occupancy

Date 6 March 1989

Fact Sheet Prepared by  
Patricia Biancaniello

Date 25 August 1988

Reviewed by

Date

*March 7, 1989*

Reference or Case Number

RESOLUTION 78-34-5

WHEREAS, OMNI SOURCE, INC., & G.A. WINTZER & SON, CO., AN OHIO CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alleys situated in Fort Wayne, Allen County, to-wit:

- a) The six (6) foot alley lying west of Lots 232, 233 and 234 in Lincoln Highway Park Addition.
- b) The fourteen (14) foot alley lying North of Lots 200 and 234 in Lincoln Highway Park Addition and the vacated Lombard Street.
- c) The twelve (12) foot alley lying between the vacated Lombard Street and the vacated Sidney Street from the North line of U.S. Highway 24 to the South line of N.Y.C. & St. L.R.R. adjacent to Lots 200, 201, 202, 203, 204, 205 and 206 and Lots 192 to 199.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alleys has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alleys hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alleys hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.


STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

I, ANGELA S. DERHEIMER, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held March 1, 1978 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 1st DAY OF April, 1978.

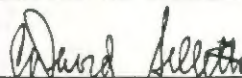
FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer  
Angela S. Derheimer  
Director of Public Works



---

Michael McAlexander  
Director of Public Safety



---

C. David Silletto  
Director of Administration & Finance

## RESOLUTION

WHEREAS, OMNI SOURCE INC., & G.A. WINTZER & SON, CO., AN OHIO CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alleys in Fort Wayne, Allen County, to-wit:

- a) The six (6) foot alley lying west of Lots 232, 233 and 234 in Lincoln Highway Park Addition.
- b) The fourteen (14) foot alley lying North of Lots 200 and 234 in Lincoln Highway Park Addition and the vacated Lombard Street.
- c) The twelve (12) foot alley lying between the vacated Lombard Street and the vacated Sidney Street from the North line of U.S. Highway 24 to the South line of N.Y.C. & St. L.R.R. adjacent to Lots 200, 201, 202, 203, 204, 205 and 206 and Lots 192 to 199.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 15, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alleys.

WHEREAS, said vacation of dedicated alleys has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alleys hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alleys hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alleys or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alleys in Allen County, Indiana.

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ALLEN )

I, Robert Hutter, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 25, 1988, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 25th DAY OF August 1988

FORT WAYNE CITY PLAN COMMISSION

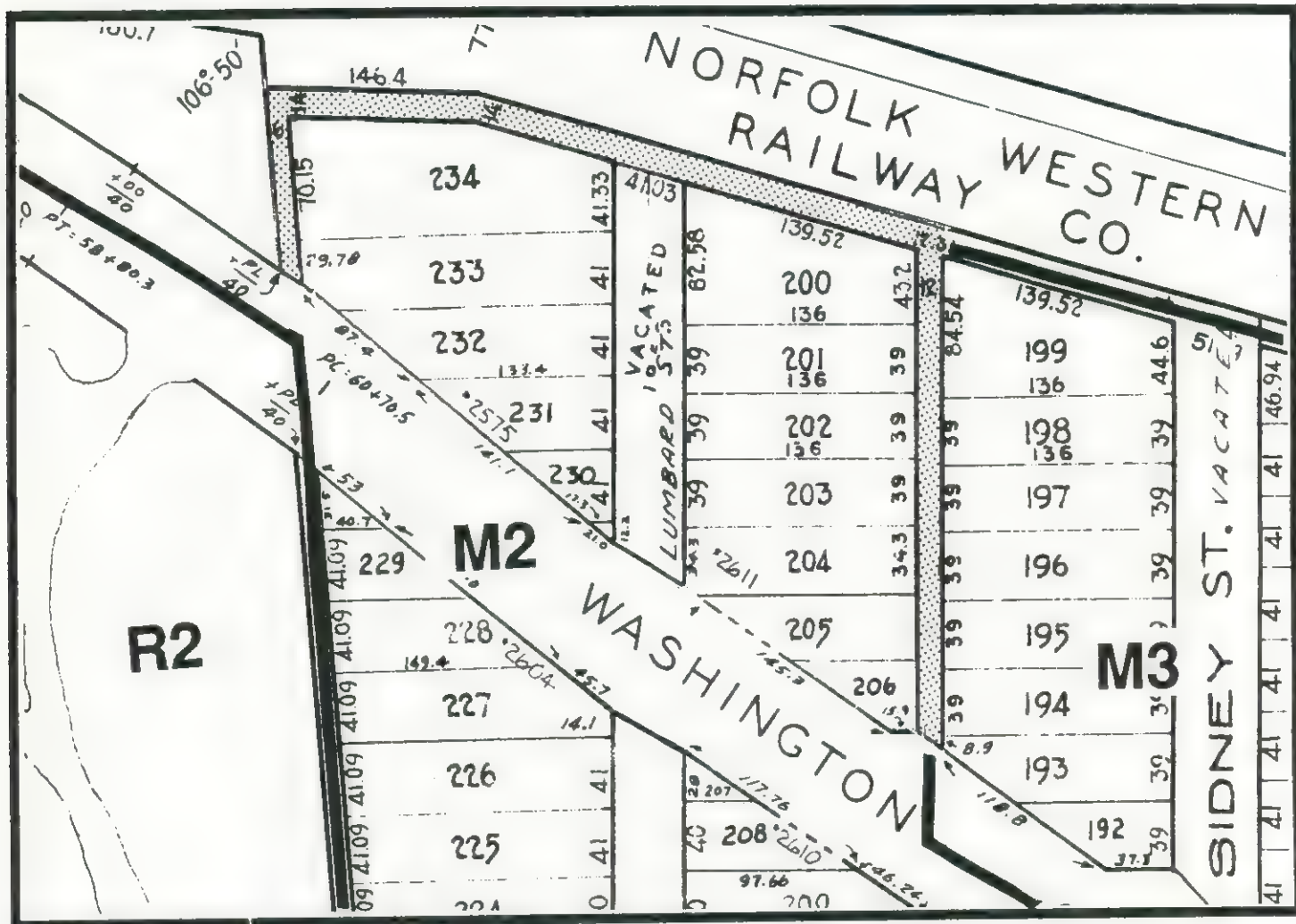
  
\_\_\_\_\_  
Robert Ratner  
Secretary

# VACATION PETITION #361

A PETITION TO VACATED THE DESCRIBED PUBLIC ALLEY.

MAP NO. Q-6

COUNCILMANIC DISTRICT NO. 1



## ZONING:

M2 GENERAL INDUSTRY

M3 HEAVY INDUSTRY

## LAND USE:

☐ COMMERCIAL

SCALE: 1"=200'

DATE: 6-3-88



Omni-Source, Inc. and G. A. Wintzer and son Company, request the vacation of certain alleys.

Location: The north-south alleys east and west of the vacated Lombard Street, north of Washington Blvd., and the east-west alley connecting them, south of the railroad.

Legal: See file

Land Area: Approximately 0.2 Acres

Zoning: D/N/A

Surroundings: The immediate area is zoned industrial.

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Memorial Park

Landscape: No Comment

Neighborhood Plan: No Comment

Comprehensive Plan: No Comment

Planning Staff Discussion:

This area of the city has primarily been developed with industrial uses, and Omni-Source is one of the major uses in the area. The petitioned alley are unopened and only border parcels owned by the petitioners.

As it would appear that no one else would be impacted by the vacation of these alleys, we have no objections. However, the petitioners would have to provide utility easements as needed.

As this vacation will not affect access to public or private lands, and will not diminish property values, it will probably be in the best interest of the City to vacate these lands. Vacation will also add additional area to the existing tax base.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements as needed.

1) Vacation will not affect any other property owner/s.

2) The petitioned alleys are unopened and do not appear to be necessary to the continued growth of the City.

3) As the alleys do not serve the public, vacation, and subsequently adding these parcel to the tax roll may be in the best interests of all concerned.



## THE CITY OF FORT WAYNE

### LAND USE MANAGEMENT

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

12 January 1989

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated right-of-way.

The proposed ordinance is designated as:

BILL NO. G-88-10-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
12th day of January 1989.

Robert Hutner  
Secretary

**FACT SHEET**

G-88-10-09

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Alley Vacation Ordinance

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

The North/South alley from Oakdale to Rudisill, east of Clinton Street.

**Reason for Project**

Parking Lot

**Discussion (Including relationship to other Council actions)**

6 March 1989 - Business Meeting

This vacation petition was given a "Conditional Approval" on October 24, 1988, contingent upon the petitioners getting the signatures of all of the abutting property owners, and granting utility easements or relocations as required. Apparently the petitioner has been unable to get all of the signatures required, and therefore would like to amend the petition.

The proposed amendment would leave about 190 feet of public alleyway extending north from Rudisill Blvd. Failing to vacate this relatively small portion of the existing alleyway should have little or no impact on the merits of the overall petition.

Motion was made and seconded that this ordinance be given a DO PASS recommendation contingent upon the petitioner granting easemnts or causing utility relocations as needed.

Of the eight (8) members present seven (7)

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Rudisill Plaza Associates  
City Department

Other

**Opponents****Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**

☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

# DETAILS

voted for the motion, one (1) did not vote.  
Motion carried.

## POLICY/PROGRAM IMPACT

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 16 September 1988

Projected Completion or Occupancy

Date 16 March 1989

Fact Sheet Prepared by

Date 16 March 1989

Patricia Biancaniello

Reviewed by

Date

March 21, 1989

Reference or Case Number

Reconsideration of a Vacation Petition

Petitioner: William Swift, atty.

Petition: G-88-10-09  
The North/South alley from Oakdale to Rudisill,  
east of Clinton Street.

Requested Change: To perfect the vacation to exclude the south  
approximate 189.5 feet of right-of-way.

Planning Staff Discussion:

The Plan Commission will remember this vacation petition from October of 1988. At that time the Plan Commission recommended a "Conditional Approval", contingent upon the petitioners getting the signatures of all of the abutting property owners, and granting utility easements or relocations as required. Apparently the petitioner has been unable to get all of the signatures required, and therefore would like to amend the petition.

The proposed amendment would leave about 190 feet of public alleyway extending north from Rudisill Blvd. As we understand it, access concerns and variance requests have already been resolved. Failing to vacate this relatively small portion of the existing alleyway should have little or no impact on the merits of the overall petition.

Recommendation: Conditional Approval, contingent upon the petitioner granting easements or causing utility relocations as needed.

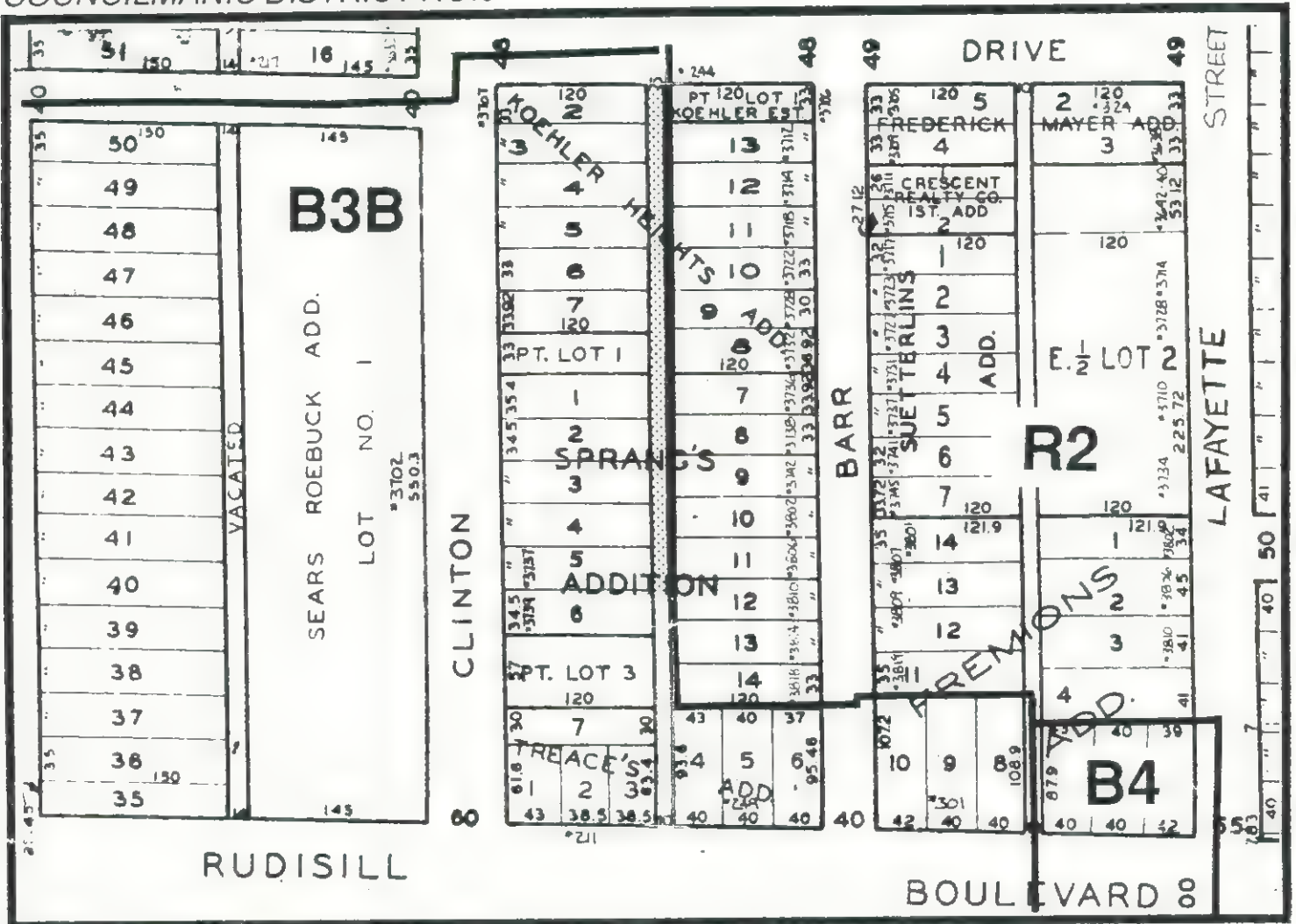
(NOTE: the revised legal description has already been submitted.)

# VACATION PETITION #371

A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY.

MAP NO. M-11

COUNCILMANIC DISTRICT NO.5



## ZONING:

R2 RESIDENTIAL DISTRICT  
B3B GENERAL BUSINESS "B"

## LAND USE:

☐ SINGLE FAMILY  
☐ COMMERCIAL

BILL NO. C-88-10-09 (AS AMENDED)

SCALE: 1"=200'

DATE: 9-22-88



**FACT SHEET**

G-88-10-09

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Alley Vacation Ordinance

**DETAILS****Specific Location and/or Address**

N/S alley lying between Dakdale Dr,  
Clinton St, Barr St & Rudisill Bl

**Reason for Project**

Parking Lot

**Discussion (Including relationship to other Council actions)**17 October 1988 - Public Hearing

William Swift, attorney for the petitioners stated that the alley vacation was being done in conjunction with the renovation of the old Sears Building immediately to the west of the alley. He stated that all of the adjacent property owners had signed the petition with the exception of the Clark Station on the corner of Barr & Rudisill. He stated that they had simultaneously filed with the Board of Zoning Appeals for a contingent use to permit the area to be used for parking. He stated that all of the property east of the alley is zoned residentially, the property west of the alley is zoned commercially. He stated that one of the staff conditions is that all adjacent property owners sign the petition. He stated that the owners of the Clark Station have verbally consented to it but they have not returned the paper work.

Wil Smith questioned if there was any involvement of the Neighborhood Association.

Mr. Swift stated that they own all of the houses on the adjacent lots and they did not

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Rudisill Plaza Associates

City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☒ For☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pass

# DETAILS

feel that this request would affect anyone's use. He stated that the alley only services that block. He stated they have purchased all of the real estate in this block with the exception of the barber shop on Clinton Street and the Clark Station. He stated that the barber shop owner has consented to the vacation. He stated that they would present the plans for the parking lot to the Neighborhood Association when it comes before the Board of Zoning Appeals. He stated that they do intend to explain their plans for screening and fencing and access to the lot at that time.

Mark Gensic questioned what utilities were in the easement.

John Tippman, one of the partners of the Rudisill Plaza Associates, stated that the only ones he knew of were over head power lines.

It was pointed out by staff that there was a public sewer in the alley.

Mr. Swift stated that they have agreed to negotiate with the utility companies and relocate any utilities as necessary at the owner's expense.

Mel Smith questioned what would happen to the homes along this alley that have garages in the rear.

Mr. Swift stated that they own all of the homes along the alley and their intention if the alley is vacated and the BZA approves the request for parking is to tear the houses down. He stated they are working with the city to try and save some of the homes and possibly

## POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

relocate them, but some have already been condemned and demolished.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation request.

24 October 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions:

- 1) All current property owners must indicate their approval of the vacation by signing the petition;
- 2) Petitioner must provide utility easements as needed, or bear the costs of relocation of utility services.

Of the nine (9) members present eight (8) voted in favor of the motion, one (1) did not vote.

Motion carried.

NOTE: The petitioner has satisfied Condition #2 - easements have been granted as needed and they have agreed to bear the cost of relocating utility service. However, the petitioner has not been able to secure the signatures of all adjacent property owners. He has requested the Commission to forward this request to Council and when it appears on Council agenda he will request the Council to amend the petition to delete that portion of the alley from the request that they are unable to secure the signature of the adjacent property owner.

Project Start Date 9-16-88

Projected Completion or Occupancy Date 1-12-89

Fact Sheet Prepared by Date 1-12-89

Patricia Biancaniello

Reviewed by

*[Signature]*

Date

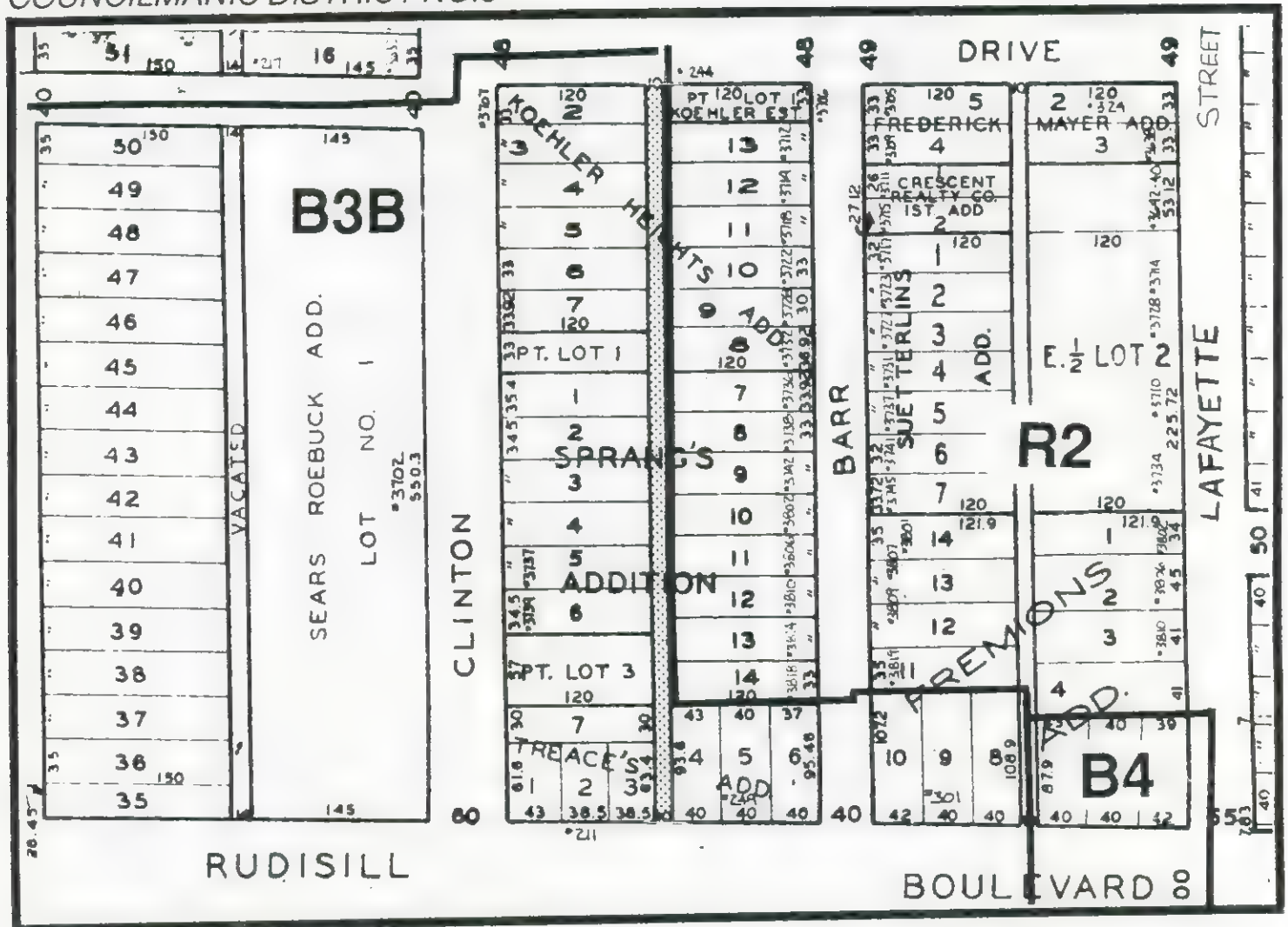
Jan. 25, 1989

Reference or Case Number

A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY.

MAP NO. M-11

COUNCILMANIC DISTRICT NO.5



**ZONING:**

R2 RESIDENTIAL DISTRICT  
B3B GENERAL BUSINESS "B"

**LAND USE:**

☐ SINGLE FAMILY  
☐ COMMERCIAL

**SCALE: 1"=200'**

DATE: 9-22-88



William D. Swift, attorney for the petitioners, requests the vacation of a public right-of-way.

Location: The north-south alley south of Oakdale to Rudisill Blvd.

Legal: See file

Land Area: Approximately 0.16 acres

Zoning: Does not apply

Surroundings:	North	R-2	Residential
	South	B-3-B	Commercial
	East	R-2	Residential
	West	B-3-B	Commercial

Reason for Request: Parking lot

Neighborhood Assoc.: Williams Park

Comprehensive Plan: No Comment

Landscape: No comment received

Neighborhood Plan: No Comment

Planning Staff Discussion:

This alley runs south from Oakdale Drive to Rudisill Blvd. The petitioners state that they either own or have an option to purchase all properties except for Lots 2 & 3 of Koehler Estates, and Lot 4 of Treace's Addition.

They further state that the alley is not necessary to ingress or egress to other properties, and that continued maintenance is no longer necessary or advantageous to the City of Fort Wayne. Their intended use is for a parking lot in connection with a commercial building at the northwest corner of Clinton and Rudisill (the old "Sears" building).

Field inspection indicates that utility easements would have to be granted, or re-routing must occur. We have some concerns regarding the businesses located at the south end, along Rudisill Blvd. If these properties are not purchased by the petitioners, portions of the alley may have to be maintained.

At the time of filing, not all property owners were represented by signature. We would condition any approval upon all current property owners agreeing to the vacation.

Recommendation: Conditional Approval, contingent upon the following:

1) All current property owners must indicate their approval of the vacation by signing the petition;

2) Petitioner must provide utility easements as needed, or bear the costs of relocation of utility services.

RESOLUTION 78-16-3

WHEREAS, RUDISILL PLAZA ASSOCIATES AN INDIANA GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

Commencing at the northeast corner of Lot 3 in Koehler Heights Addition to the City of Fort Wayne; thence south along the east line of Lots 2 through 7 in Koehler Heights Addition, the east line of the portion of Lot 1 Koehler Estates lying south of Lot 7 Koehler Heights Addition and north of Lot 1 Sprang's Addition, the east line of Lots 1 through 5 in Sprang's Addition the East line of the portion of Lot 3 Koehler Estates lying south of Lot 6 Sprang's Addition and the East line of Lots 7 and 3 Treace's Addition to the southwest corner of Lot 3 Treace's Addition; thence east to the southwest corner of Lot 4 Treace's Addition; thence North along the West line of Lot 4 Treace's Addition, the west line of Lots 14, 13, 12, 11, 10, 9, 8 and 7 in Sprang's Addition, the west line of Lots 8 through 13 in Koehler Heights Addition, and the west line of that part of Lot 1 Koehler Estates lying north of Lot 13 Koehler Heights Addition to the northwest corner of said tract; thence west to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)  
COUNTY OF ALLEN ) SS:

I, Angele L. Berheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held January 18, 1989 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 18<sup>th</sup> DAY OF January 1989  
FORT WAYNE BOARD OF PUBLIC WORKS

  
Angela S. Derhelmer  
Director of Public Works

Daniel G. Heath  
Director of Public Safety

  
C. David Silletto  
Director of Administration & Finance

## RESOLUTION

WHEREAS, RUDISILL PLAZA ASSOCIATES AN INDIANA GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley in Fort Wayne, Allen County, to-wit:

Commencing at the northeast corner of Lot 2 in Koehler Heights Addition to the City of Fort Wayne; thence south along the east line of Lots 2 through 7 in Koehler Heights Addition, the east line of the portion of Lot 1 Koehler Estates lying south of Lot 7 Koehler Heights Addition and north of Lot 1 Sprang's Addition, the east line of Lots 1 through 6 in Sprang's Addition the East line of the portion of Lot 3 Koehler Estates lying south of Lot 6 Sprang's Addition and the East line of Lots 7 and 3 Treace's Addition to the southwest corner of Lot 3 Treace's Addition; thence east to the southwest corner of Lot 4 Treace's Addition; thence North along the West line of Lot 4 Treace's Addition, the west line of Lots 14, 13, 12, 11, 10, 9, 8 and 7 in Sprang's Addition, the west line of Lots 8 through 13 in Koehler Heights Addition, and the west line of that part of Lot 1 Koehler Estates lying north of Lot 13 Koehler Heights Addition to the northwest corner of said tract; thence west to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 17, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, Robert Hutner, Secretary of the Fort Wayne City Plan

Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held October 24, 1988, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 12 DAY OF January 1989

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner  
Robert Hutner  
Secretary



# The City of Fort Wayne

16 March 1989

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-01-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
16th day of March 1989.

A handwritten signature in dark ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner  
Secretary

**Division of Community  
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From R-1 to B-3-B		

**DETAILS**

<p><b>Specific Location and/or Address</b></p> <p align="center">5723 Illinois Road</p>
<p><b>Reason for Project</b></p> <p>Rezoning would make this parcel consistent with the adjacent properties.</p>
<p><b>Discussion (Including relationship to other Council actions)</b></p> <p><u>25 January 1988 - Public Hearing</u></p> <p>Doug Miller, attorney for the petitioners, Maurice &amp; Germaine O'Daniel stated that they were trying to make the property consistent with the property that is adjacent that Mr. O'Daniel already owns. He stated that the rezoning would be consistent with the Comprehensive Plan for the area. He stated that they have no problem with the staff recommendations.</p> <p>There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.</p> <p><u>25 January 1988 - Business Meeting</u></p> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions:</p> <p>1. Petitioner is to provide a recorded document, in a form acceptable to the City's attorney, agreeing to the following:</p> <p>a. Petitioner shall grant a 40 foot wide</p>

**POSITIONS**

**RECOMMENDATIONS**

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	<p>City Wide</p> <p>Other Areas</p>
<b>Applicants/ Proponents</b>	<p><b>Applicant(s)</b></p> <p>Maurice &amp; Germaine O'Daniel City Department</p> <p>Other</p>
<b>Opponents</b>	<p>Groups or Individuals</p> <p>Basis of Opposition</p>
<b>Staff Recommendation</b>	<p><input checked="" type="checkbox"/> For      <input type="checkbox"/> Against</p> <p>Reason Against</p>
<b>Board or Commission Recommendation</b>	<p>By</p> <p><input checked="" type="checkbox"/> For      <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</p>
<b>CITY COUNCIL ACTIONS (For Council use only)</b>	<p><input type="checkbox"/> Pass      <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Pass (as amended)      <input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Council Sub.      <input type="checkbox"/> Do not pass</p>

# DETAILS

ingress/egress easement along the front of the subject property, to be used as a frontage road,

- b. Petitioner shall construct and maintain such frontage road to applicable City standards, when directed to do so by the City of Fort Wayne.
- c. Any existing driveways to Illinois Rd, shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department.
- d. Any obstruction to the frontage road including sight obstructions, shall be removed at the owner's expense.

2. Require maintenace of existing vegetation on site, supplemented with new screening, if necessary, to maintain a minimum of 6 foot high landscape screen between this property and adjoining residential districts, at the time the site is developed. Petitioner should submit a landscape plan for approval by the CD&P Landscape Architect. Such landscape buffer should be at least 30 foot in width.

Of the eight (8) members present seven (7) voted for the motion, one (1) did not vote. Motion carried.

6 March 1989 - Business Meeting

This was returned to the Commission for the reconsideration of the conditions.

# POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

## (This space for further discussion)

It was noted for the Commission's information that the staff had been working on the required covenant for some time. The petitioner was also party to a previous covenant for the property immediately adjacent, that was rezoned in 1985.

There is one minor deviation from the imposed requirements, that the Commission was made aware of. The petitioners covenant agrees to dedicate the frontage road instead of granting an easement, which would compliment the 1985 covenant. Staff was of the opinion that this minor change does not conflict with the intent of the Commission, and therefore should be certified and forwarded to Council.

Motion was made and seconded on the amended conditions and recommended that the ordinance be returned to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted for the motion, one (1) did not vote. Motion carried.

**Project Start**

**Date** December 10, 1988

**Projected Completion or Occupancy**

**Date** 16 March 1989

**Fact Sheet Prepared by**

**Date** 16 March 1989

Patricia Biancaniello

**Reviewed by**

**Date**

*[Signature]*

*March 21, 1989*

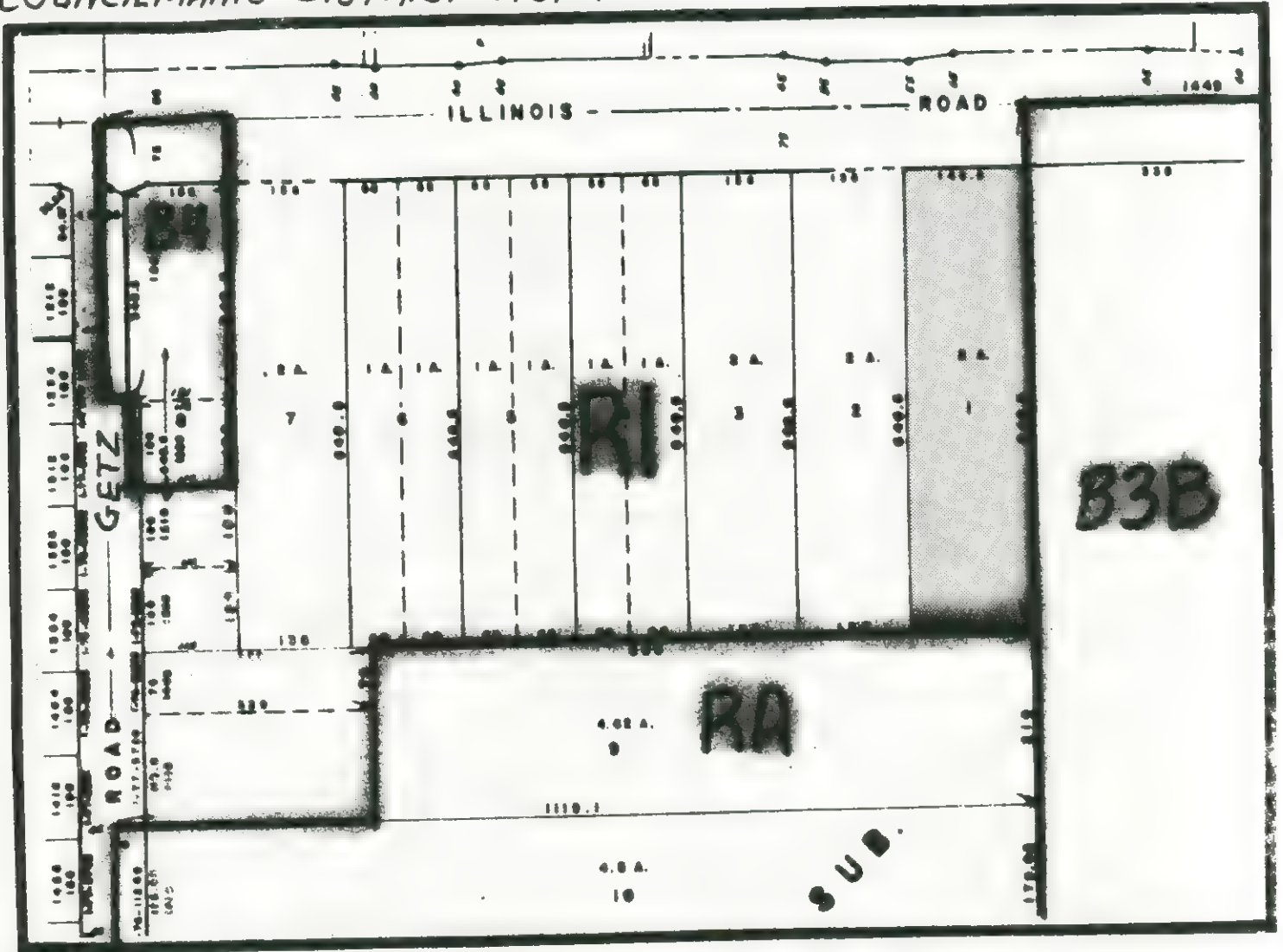
**Reference or Case Number**

# REZONING PETITION #521

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R-1 DISTRICT TO A B3B DISTRICT.

MAP NO. E-2

COUNCILMANIC DISTRICT NO. 4



## ZONING:

RI RESIDENTIAL DISTRICT  
RA RESIDENCE 'A'  
B3B GENERAL BUSINESS 'B'  
B4 ROADSIDE BUSINESS

## LAND USE:

☐ SINGLE FAMILY  
☒ COMMERCIAL

SCALE: 1" = 200'

18

DATE: 1-4-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 26, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-01-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 25, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 6, 1989.

Certified and signed this  
16th day of March 1989.



---

Robert Hutner  
Secretary

Douglas Miller, attorney for Maurice D. and Germaine O'Daniel, request a change of zone from R-1 to B-3-B.

Location: 5723 Illinois Road

Legal: See File

Land Area: Approximately 2.17 Acres

Zoning: R-1

Surroundings:	North	County	Commercial
	South	RA	Residential & Open
	East	B-3-B	Car Dealership
	West	R-1	Residential

Reason for Request: Not Stated

Neighborhood Assoc.:

Landscape: No comment received.

Neighborhood Plan: No comment. -

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the West Sector, where this request is located, is to contain urban growth within the urban service line. This request is consistent with the commercialization that has been occurring along Illinois Road east of Getz Road.

Planning Staff Discussion:

This area of Illinois Road has been gradually changing from residential to commercial uses. Recent traffic studies along the corridor have indicated that the concept of a frontage road is mandatory in order to preserve traffic safety and flow.

This request is within the overall policies of the Plan Commission for this area, is consistent with the Comprehensive Plan, and should blend into the comprehensive development of the general area, providing that the previously established frontage road requirements are met.

Recommendation: Conditional Approval, contingent upon the petitioner satisfying the following items:

1) Petitioner is to provide a recorded document, in a form acceptable to the City's attorney, agreeing to the following:

- a) Petitioner shall grant a 40 foot wide ingress/egress easement along the front of the subject property, to be used as a frontage road,
  - b) Petitioner shall construct, and maintain, such frontage road to applicable City standards, when directed to do so by the City of Fort Wayne,
  - c) Any existing driveways shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department,
  - d) Any obstruction to the frontage road including sight obstructions, shall be removed at the owners expense.
- 2) Require maintenance of existing vegetation on site, supplemented with new screening, if necessary, to maintain a minimum of 6 foot high landscape screen between this property and adjoining residential districts, at the time the site is developed. Petitioner should submit a landscape plan for approval by the CD&P Landscape Architect. Such landscape buffer should be at least 30 foot in width.

**C&  
ED**

**COMMUNITY & ECONOMIC DEVELOPMENT**

---

**MEMORANDUM**

1 March 1989

TO: Plan Commission Members  
FROM: V.C. Seth, Director of Planning  
RE: Bill No. Z-88-01-20 - 5723 Illinois Road

For the Commission's information, staff has been working on the required restrictive covenant for some time. The petitioner was also party to a previous covenant for the property immediately adjacent, that was rezoned in 1985.

There is one minor deviation from the imposed requirements, that the Commission needs to be aware of. The petitioners covenant agrees to dedicate the frontage road instead of granting an easement, which would compliment the 1985 covenant. Staff is of the opinion that this minor change does not conflict with the intent of the Commission, and therefore should be certified and forwarded to the Common council.

/pb

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of  
Public Safety Regulatory Resolution Numbers:

46/89/E, 47/89/E, 48/89/D and 49/89/E

For the purpose of enforcement, please make this  
communication and the attached Regulatory Resolutions a  
matter of record and incorporate them into the minutes of the  
next Common Council Meeting.

Respectfully Submitted,

*Michael McAlexander*  
*(pc)*

Chairman, Board of Safety

R E T U R N   C E R T I F I C A T E

(Regulatory Resolution No. 46/89/E, 47/89/E, 48/89/D, 49/89/E

I hereby certify that I did this 17th day of  
March, 1989 deliver to each, the City Traffic Engineer,  
the Chief of Police, the City Attorney, the City Clerk and the  
President of the Common Council of the City of Fort Wayne, Indiana  
respectively, a copy of the within Regulatory Resolution  
No. SEE ABOVE of the Board of Public Safety of the City of Fort  
Wayne, duly certified by me as Chairman of said Board, in  
accordance with the provisions of Section 17-4 of Chapter 17, of  
the Code of the City of Fort Wayne, 1986.

Michael McAlexander

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 49/89/E

(Adopted March 15, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to \_\_\_\_\_

NO PARKING 7 AM TO 4 PM SCHOOL DAYS ONLY (EMERGENCY)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 14, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

March 15, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING 7 AM TO 4 PM SCHOOL DAYS ONLY (EMERGENCY)

Woodmark Drive	--north side--	from 110' east of Reed Road to the eastern terminus
Woodmark Drive	--south side--	from 60' east of Reed Road to Jonquil Drive

REGULATORY RESOLUTION NO.48/89/D

(Adopted March 15, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to \_\_\_\_\_

DELETE:

PREFERENTIAL INTERSECTION

(DELEGATED)

\_\_\_\_\_; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 10, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

March 15, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

PREFERENTIAL INTERSECTION

(DELEGATED)

High Street --preferential--

at Rumsey Avenue

REGULATORY RESOLUTION NO. 47/89/E

(Adopted March 15, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

THRU STREET

(EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 10, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

March 15, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

THRU STREET

(EMERGENCY)

High Street

from Runnion Avenue to Sherman Blvd.  
except at Runnion Avenue, St. Mary's  
Avenue and Sherman Boulevard

REGULATORY RESOLUTION NO. 46/89/E

(Adopted March 14, 1989)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to \_\_\_\_\_

RENEW AND EXTEND REGULATORY RESOLUTION: 16/89/E

2 HR. PARKING 8 AM TO 6 PM (EMERGENCY)

\_\_\_\_\_; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 9, 1989, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

March 14, 1989, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

2 HR. PARKING 8 AM TO 6 PM (EMERGENCY)

Calhoun Street --east side--

from Leith Street to Killea Street